IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 13 OF 2006
IN
ARBITRATION PETITION NO. 136 OF 2005
IN
AWARD NO. 10 OF 2004

Hyndai Corporation.] .. Appellants (Ori.Petnr.)

Versus

Oil & Natural Gas Corpn. Ltd.] .. Respondents (Ori.Respdts.)

Mr. Ketan Parekh with Mr. Virag Tulzapurkar and Ms. Nandini Gidwaney i/b M/s. Kanga & Co. for the appellants.

Mr. M.K. Banerjee, Attorney General with Mr. D.R. Zaiwala, Mr. V.J. Pereira and Mr. F.U. Lakdawala i/b M/s. Divya Shah & Associates for the respondents.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 14TH FEBRUARY, 2006

P.C. :

. Heard Mr. Ketan Parekh, the learned counsel for the appellants and the learned Attorney General for the respondents.

2. The controversy raised in the Appeal is wholly and squarely concluded by the Division Bench judgment of

this Court in the case of **Sumitomo Heavy Industries Limited Vs. Oil & Natural Gas Corporation Limited** (Appeal No.126 of 2000) decided on 19th December, 2001. It is not in dispute that the relevant clauses of the contract in the present case and in the case of Sumitomo Heavy Industries Limited are similar.

3. In view thereof, we find no justifiable ground to interfere in the Appeal.

4. Appeal is dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]

[srpasha@hc]